

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

LUIS CERVANTES,

Plaintiff,

V.

EDDIE SCOTT, et al.,

Defendants.

Case No. 2:17-cv-00562-MMD-CWH

ORDER

12 This matter is before the court on plaintiff Luis Cervantez's proposed summonses (ECF
13 Nos. 34-39), filed on February 25, 2019.

14 Cervantez is a Nevada state-prison inmate who has brought a civil rights complaint under
15 42 U.S.C. § 1983 against various defendants for due process violations regarding dental care he
16 received while detained at Clark County Detention Center. (Compl. (ECF No. 6); Screening
17 Order (ECF No. 5).) Defendants Eddie Scott, Timothy Dorion, and Kevin Patimeteeporn were
18 served with process and have appeared in the case. (USM Return (ECF No. 12); Ans. (ECF No.
19 14).) The United States Marshal was unable to serve defendants Christian Pizan and Dr. Allan
20 Kirkwood, DDS. (USM Return (ECF No. 13).) The court extended Cervantez's deadline to
21 serve defendants Christian Pizan and Allan Kirkwood until March 23, 2019. (Order (ECF No.
22 29).) Cervantez now requests summons for (1) Paul B. Bitar, DMD, of NaphCare (2) NaphCare
23 Nevada, LLC, (3) NaphCare, Inc., and (4) Nurse Arianna Rhynard of NaphCare. (Proposed
24 Summons (ECF Nos. 34-39).)

25 In its screening order, the court dismissed defendant NaphCare, without prejudice, for
26 failure to state a claim. (Screening Order (ECF No. 5).) The court therefore will not issue the
27 requested summonses for NaphCare, Nevada, LLC or NaphCare, Inc. As for Dr. Bitar and Nurse
28 Rhynard, while the screening order stated that counts one through three of the complaint would

1 proceed against Doe jail officials, dentist, and nurses when Cervantez learned their identities,
2 nearly one year has passed since the complaint was filed, and Cervantez has not moved to extend
3 the deadline to serve those defendants under Rule 4(m) of the Federal Rules of Civil Procedure.
4 The court therefore will not issue the requested summonses for Dr. Bitar and Nurse Rhynard.
5 This order is without prejudice for Cervantez to take any appropriate action under the Federal
6 Rules of Civil Procedure.

7 IT IS SO ORDERED.
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9 DATED: February 26, 2019

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11 C.W. HOFFMAN, JR.
12 UNITED STATES MAGISTRATE JUDGE
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